

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Draft

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: Wilco Refining, LLC
Mailing Address: P.O. Box 473, Albany, KY 42063

Source Name: Wilco Refining, LLC
Mailing Address: P.O. Box 473
Albany, KY 42063

Source Location: KY 738, Albany, KY 42602

Permit ID: F-06-062
Agency Interest #: 4298
Activity ID: APE20060001
Review Type: Conditional Major, Construction / Operating
Source ID: 21-053-00012

Regional Office: London Regional Office
875 S. Main Street
London, KY 40741
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County: Clinton

Application
Complete Date: September 1, 2006
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**John S. Lyons, Director
Division for Air Quality**

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	Permit type	Log or Activity#	Complete Date	Issuance Date	Summary of Action
F-02-007	Initial Issuance	53856	February 22, 2002	May 17, 2002	Initial Conditional Major Permit
F-06-062	Renewal	APE20060001	September 1, 2006	TBA	Permit Renewal

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emission Unit: 01, Facility Storage Tanks:

Emission Point (Tank ID #)	Emission Unit Description	Product Stored (vapor pressure)	Installation Date	Storage Capacity (Gallons)	Control Device
EP- 01, 02	Vertical Fixed Roof Tanks with primary seal	Crude oil RVP 5 (2.69 psia)	1986	500,000	None
EP-03, 04	Vertical Fixed Roof Tanks with primary seal	Diesel Oil (<0.1 psia)	VFRT 03 in 1985, VFRT 04 Proposed	460,000	None
EP-05	Vertical Fixed Dome Roof Tank	Kerosene (<1.0 psia)	1985	120,000	None
EP- 06, 07	Vertical Fixed Dome Roof Tanks	Gasoline (8.5-9.0 psia)	1985	120,000 each	Blow down and flare
EP- 08	Vertical Internal Floating Roof Tank	Gasoline (8.5-9.0 psia)	1985	120,000	None
EP- 09	Vertical Fixed Dome Roof Tank	Heavy gas oil (<0.1 psia)	1985	168,000	None
EP- 10	Vertical Fixed Dome Roof Tank	#6 Oil (<0.1 psia)	1985	168,000	None

Applicable Regulations:

40 CFR 60 Subpart Kb; Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984. The affected facilities to which this subpart applies is each storage vessel with a capacity greater than or equal to 40 cubic meters that is used to store volatile organic liquids for which construction, reconstruction, or modification is commenced after July 23, 1984.

40 CFR 60 Subpart GGG; Standard of Performance for Equipment Leaks of VOC in Petroleum Refineries. The provisions of this subpart apply to affected facilities in petroleum refineries. A *Petroleum refinery* means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through the distillation of petroleum, or through the re-distillation, cracking, or reforming of unfinished petroleum derivatives. The group of all the equipment within a process unit is an affected facility. A *Process unit* means components assembled to produce intermediate or final products from petroleum, unfinished petroleum derivatives, or other intermediates; a process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Note: This Subpart references Subpart VV for standards and other requirements.

Non-Applicable Regulations:

401 KAR 59:050; New Storage Vessels for Petroleum Liquids.

40 CFR 63 Subpart H; National Emission Standard for Organic Hazardous Air Pollutants for Equipment Leaks. PTE controlled single HAP emissions are below 10 tons per year and for combined HAPs below 25 tons per year.

40 CFR 63 Subpart CC; National Emissions Standard for Hazardous Air Pollutants from Petroleum Refineries. PTE controlled single HAP emissions are below 10 tones per year and for combined HAPs below 25 tons per year.

1. Operating Limitations:

- a. The fixed roof with internal floating roof shall meet the specifications listed in 40 CFR 60.112b(a)(1).
- b. The blow-down system, vapor recovery system and flare shall be in operating condition at all times when gasoline is stored, processed or unloaded to avoid exceedance of conditional major emission threshold.
- c. Pursuant to 40 CFR 60.113b (a), the owner or operator shall visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill and prior to filling the storage vessel. If there are holes, tears or other openings in the primary seal of the internal floating roof, the owner or operator shall repair the items before filling the storage vessel.
- d. Pursuant to 40 CFR 60.112b(a)(3), the closed vent system (for the fixed roof tanks without internal floating roof) shall be designed and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspection.
- e. Pursuant to 40 CFR 60.482-2, 60.482-3, 60.482-7, 60.482-8, and 60.482-10, when a leak is detected from any valve, seal or connector, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected unless technically infeasible without a process unit shutdown. Repair of this equipment shall occur before the end of the next process unit shutdown.
- f. Pursuant to 40 CFR 60.482-3, each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of VOC to the atmosphere. The barrier fluid system shall be in heavy liquid service and equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.
- g. Pursuant to 40 CFR 60.482-2, 60.482-3, 60.482-7, and 60.482-8, if an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- h. Pursuant to 40 CFR 60.482-10, leaks found in the vapor recovery system, as indicated by an instrument reading greater than 500 parts per million by volume above background or by visual inspections, shall be repaired as soon as practicable. A first attempt at repair shall be made no later than 5 calendar days after the leak is detected. Repair shall be completed no later than 15 calendar days after the leak is detected.
- i. Pursuant to 40 CFR 60.482-9, delay of repair of a closed vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next process unit shutdown.

2. Emission Limitations:

To preclude the applicability of 401 KAR 52:020 for a major source, the following emission limitations apply to the storage tanks in the refinery.

- a. Total VOC emissions from the crude oil storage tanks shall not exceed 12.62 tons per year.
- b. Total VOC emissions from the diesel storage tanks shall not exceed 0.50 tons per year.
- c. Total VOC emissions from the kerosene storage tanks shall not exceed 0.05 tons per year.
- d. Total VOC emissions from the gasoline storage tanks shall not exceed 16.4 tons per year.
- e. Total VOC emissions from the residual oil storage tanks shall not exceed 0.02 tons per year.
- f. Total VOC source-wide emissions from all valves, flanges, pump seals and compressor seals shall not exceed 26.70 tons per year.

Compliance Demonstration:

- a. Annual VOC emissions in a consecutive 12 months shall be determined by summing the monthly VOC emissions using the following equation:

$$\text{Annual VOC} = \sum_{1}^{12} \text{Monthly VOC emissions (tons)}$$

This equation shall include all controlled and uncontrolled VOC emission points.

- b. See the monitoring, recordkeeping and control requirements.

3. Testing Requirements:

Pursuant to 40 CFR 60.113b(a)(4), the owner or operator shall visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years.

4. Specific Monitoring Requirements:

- a. The owner or operator of each vessel shall monitor and maintain records on the throughput of crude oil feedstock.
- b. The owner or operator of each vessel shall monitor and maintain records on the throughput of diesel distillate.
- c. The owner or operator of each vessel shall monitor and maintain records on the throughput of kerosene distillate.
- d. The owner or operator of each vessel shall monitor and maintain records on the throughput of gasoline distillate.
- e. The owner or operator of each source that is equipped with a closed vent system and control device shall monitor the parameters of the closed vent system and control device.
- f. The owner or operator shall conduct annual inspections of the vapor recovery system to check for visible, audible, or olfactory indications of leaks.

Gas/Vapor Service

- g. Pursuant to 40 CFR 60.482-3 (e), each sensor to detect failure of the seal system shall be checked daily or shall be equipped with an audible alarm.

Light Liquid (Gasoline) Service

- h. Pursuant to 40 CFR 60.482-2(a), each pump shall be monitored monthly to detect leaks using the testing requirements specified in 40 CFR 60.485(b) (Method 21). Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.
- i. Pursuant to 40 CFR 60.482-8(a), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method at pressure relief devices in light liquid service, the owner or operator shall monitor the equipment within 5 days by the method specified in 40 CFR 60.485(b).

Heavy Liquid Service

- j. Pursuant to 40 CFR 60.482-8(a), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method at pumps, valves, pressure relief devices or connectors in heavy liquid service, the owner or operator shall monitor the equipment within 5 days by the method specified in 40 CFR 60.485(b).

5. Specific Recordkeeping Requirements:

- a) Pursuant to 40 CFR 60.486, the permittee shall comply with the following requirements for equipment leaks:
 - i) When each leak is detected as specified in 40 CFR 60.482-2, 60.482-3, 60.482-7, 60.482-8, and 60.483-2, the following requirements apply:

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- A) A weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.
 - B) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in 40 CFR 60.482-7(c) and no leak has been detected during those 2 months.
 - C) The identification on equipment except on a valve, may be removed after it has been repaired.
- ii) When each leak is detected as specified in 40 CFR 60.482-2, 60.482-3, 60.482-7, 60.482-8, and 60.483-2, the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:
- A) The instrument and operator identification numbers and the equipment identification number.
 - B) The date the leak was detected and the dates of each attempt to repair the leak.
 - C) Repair methods applied in each attempt to repair the leak.
 - D) "Above 10,000" if the maximum instrument reading measured by the methods specified in 40 CFR 60.485(a) after each repair attempt is equal to or greater than 10,000 ppm.
 - E) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - F) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.
 - G) The expected date of successful repair of the leak if a leak is not repaired within 15 days.
 - H) Dates of process unit shutdowns that occur while the equipment is unrepaired.
 - I) The date of successful repair of the leak.
- iii) The following information pertaining to all equipment subject to the requirements in 40 CFR 60.482-1 to 60.482-10 shall be recorded in a log that is kept in a readily accessible location:
- A) A list of identification numbers for equipment subject to the requirements of this subpart.
 - B) A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of 40 CFR 60.482-2(e), 60.482-3(i) and 60.482-7(f).
 - C) The designation of equipment as subject to the requirements of 40 CFR 60.482-2(e), 40 CFR 60.482-3(i), or 40 CFR 60.482-7(f) shall be signed by the permittee.
 - D) A list of equipment identification numbers for pressure relief devices required to comply with 40 CFR 60.482-4.
 - E) The dates of each compliance test as required in 40 CFR 60.482-2(e), 60.482-3(i), 60.482-4, and 60.482-7(f).
 - F) The background level measured during each compliance test.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- G) The maximum instrument reading measured at the equipment during each compliance test.
- H) A list of identification numbers for equipment in vacuum service.
- iv) The following information pertaining to all valves subject to the requirements of 40 CFR 60.482-7(g) and (h) and to all pumps subject to the requirements of 40 CFR 60.482-2(g) shall be recorded in a log that is kept in a readily accessible location:
 - A) A list of identification numbers for valves and pumps that are designated as unsafe-to-monitor, an explanation for each valve or pump stating why the valve or pump is unsafe-to-monitor, and the plan for monitoring each valve or pump.
 - B) A list of identification numbers for valves that are designated as difficult-to-monitor, an explanation for each valve stating why the valve is difficult-to-monitor, and the schedule for monitoring each valve.
- v) The following information shall be recorded for valves complying with 40 CFR 60.483-2:
 - A) A schedule of monitoring.
 - B) The percent of valves found leaking during each monitoring period.
- vi) The following information shall be recorded in a log that is kept in a readily accessible location:
 - A) Design criterion required in 40 CFR 60.482-2(d)(5) and 60.482-3(e)(2) and explanation of the design criterion; and
 - B) Any changes to this criterion and the reasons for the changes.
- vii) The following information shall be recorded in a log that is kept in a readily accessible location for use in determining exemptions as provided in 40 CFR 60.480(d):
 - A) An analysis demonstrating the design capacity of the affected facility,
 - B) A statement listing the feed or raw materials and products from the affected facilities and an analysis demonstrating whether these chemicals are heavy liquids or beverage alcohol, and
 - C) An analysis demonstrating that equipment is not in VOC service.
- viii) Information and data used to demonstrate that a piece of equipment is not in VOC service shall be recorded in a log that is kept in a readily accessible location.
- b) Pursuant to 40 CFR 60.115b, the permittee shall keep copies of all reports and records for all storage tanks required by this condition for at least 2 years.
 - i) After installing control equipment in accordance with 40 CFR 60.112b(a)(1) (fixed roof and internal floating roof), the permittee shall meet the following requirements. [40 CFR 60.115b(a)]

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- A) Furnish the Division with a report that describes the control equipment and certifies that the control equipment meets the specifications of 40 CFR 60.112b(a)(1) and 40 CFR 60.113b(a)(1). This report shall be an attachment to the notification required by 40 CFR 60.7(a)(3).
 - B) Keep a record of each inspection performed as required by 40 CFR 60.113b(a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).
 - C) If any of the conditions described in 40 CFR 60.113b(a)(2) are detected during the annual visual inspection required by 40 CFR 60.113b(a)(2), a report shall be furnished to the Division within 30 days of the inspection. Each report shall identify the storage vessel, the nature of the defects, and the date the storage vessel was emptied or the nature of and date the repair was made.
 - D) After each inspection required by 40 CFR 60.113b(a)(3) that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in 40 CFR 60.113b(a)(3)(ii), a report shall be furnished to the Division within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications of 40 CFR 60.112b(a)(1) or 40 CFR 60.113b(a)(3) and list each repair made.
- c) The permittee shall keep readily accessible records showing the dimension of each affected storage vessel and an analysis showing the capacity of the storage vessel. These records shall be kept for the life of the storage tank. [40 CFR 60.116b(b)]

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements :

- a. Pursuant to 40 CFR 60.113b(a)(5), notify the Division in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required. If the inspection is not planned and the owner could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Division at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned.
- b. Pursuant to 40 CFR 60.115b, after each inspection that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment, a report shall be furnished to the Division within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications and list each repair made.

7. Specific Control Equipment Operating Conditions :

- a. Pursuant to 40 CFR 60.112b(a)(1), for any internal floating roof storage tank, the internal floating roof shall rest or float on the liquid surface inside a storage vessel that has a fixed roof.
- b. Pursuant to 40 CFR 60.112b(a)(3), a closed vent system shall be designed to collect all VOC vapors and gases discharged from the crude oil and gasoline storage vessels and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections. The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. Refer to 401 KAR 50:015 for testing methods.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit 02: INDIRECT FIRED PROCESS HEATERS (EP-11,12,13):

Description:

H1: Atmospheric Distillation Tower Primary Heater:

Capacity: 10 mmBtu/hr.
Type of Fuel: Process Gas
Date of Construction: 1985
Control Device: None

H2: Atmospheric Distillation Tower Secondary Heater:

Capacity: 5 mmBtu/hr.
Type of Fuel: Process Gas
Date of Construction: 1985
Control Device: None

H3: Reformer Heater

Capacity: 1 mmBtu/hr.
Type of Fuel: Propane
Date of Construction: Proposed
Control Device: None

Applicable Regulations:

401 KAR 59:015, New indirect heat exchangers
40 CFR 60 Subpart J, Standard performance of the petroleum refineries.

1. Operating Limitations:

To preclude the applicability of 401 KAR 51:017, fuel in the primary process heater (H1) shall be restricted to a mixture of natural gas and distillate fuel gas from the vapor recovery system, or natural gas only. Closed vent systems and control devices used to comply with provisions of Subpart GGG shall be operated at all times when emissions from these points are vented to them.

Compliance Demonstration:

See the Testing, Monitoring and Recordkeeping requirements for this Group.

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:015, Section 4(1)(a), no owner or operator shall cause to be discharged into the atmosphere particulate matter from each process heater in excess of 0.56 pounds per million BTU actual heat input.
- b. Pursuant to 401 KAR 59:015, Section 4(2), no owner or operator shall cause to be discharged into the atmosphere from that affected facility emissions which exhibit greater than twenty (20) percent opacity except a maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning.
- c. Pursuant to 401 KAR 59:015, Section 5(1)(a), no owner or operator shall cause to be

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

discharged into the atmosphere sulfur dioxide (SO₂) from each process heater in excess of three (3.0) pounds per million BTU actual heat input.

- d. Pursuant to 40 CFR 60.104(a)(1), the permittee shall not burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H₂S) in excess of 230 mg/dscm (0.10 grains/dry standard cubic foot).

Compliance Demonstration:

- a. The permittee shall assure continuing compliance with the particulate matter emission and opacity limitations for each process heater or boiler by restricting the types of fuel combusted to process gas or propane.
- b. See the Testing, Monitoring and Recordkeeping requirements.
- c. When process gas is being burned in the primary process heater as a mixture with natural gas, the permittee shall assure compliance with the sulfur dioxide emission limitations by calculating the actual sulfur dioxide emission rates using fuel analysis data and the following equation:

$$\text{Sulfur dioxide emission rate (lbs/million Btu)} = [(1 \times 10^6)/H] \times D \times S$$

where H = heat content of fuel mixture, Btu per cubic feet
 D = density of fuel mixture, lbs per cubic feet
 S = decimal fraction of sulfur content in fuel mixture

Sulfur content shall be determined as described in the Testing Requirements.

3. Testing Requirements:

When burning recovered vapor from the recovery system in the flare or burning process fuel gas in the primary indirect heater (H1), the following performance tests shall be required:

- a. Reference Methods specified in 401 KAR 50:015 for VOC emissions shall be conducted semiannually.
- b. Reference Method 6 shall be used in determination of the sulfur dioxide concentration semiannually.

4. Specific Monitoring Requirements :

- a. Using ASTM or USEPA approved methods, the permittee shall demonstrate compliance with the sulfur dioxide limitation for each respective process heater by monitoring and recording the sulfur content of the fuel mixture.
- b. The permittee shall maintain a daily log of the volume of fuel mixture combusted in each respective combustion device.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements :

The permittee shall maintain the following:

- a. A weekly record and log of the sulfur content of the fuel mixture.
- b. A record and log of all items listed in the Monitoring Requirements above.

6. Specific Reporting Requirements :

None

7. Specific Control Equipment Operating Conditions:

Emissions from the Vapor Recovery system are to be burned in either the primary process heater (H1) or flare to control VOC.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit: 03, Truck Loading Station (EP-14):

Description:

Product loading into tanker trucks are done through three separate dispersement arms.

Control Device: Vapor Recovery System - During the loading operation, vapors from the tank truck are drawn to a stationary tank with a slight vacuum. A vacuum compressor transports the vapors to an accumulator where the vapors are then transported to a flare or process heater H1.

Capacity: 4200 gallons per hour

Date of Construction: 1998

Applicable Regulation:

40 CFR 60 Subpart XX; Standards of Performance for Bulk Gasoline Terminals

1. Operating Limitations:

- a. To preclude the applicability of 401 KAR 51:017, the Loading Rack shall not be in operation unless the flare or Process Heater (H1) is in operation so as to combust fuel gas from the vapor recovery system.
- b. To preclude the applicability of 401 KAR 51:017, the Loading Rack shall not process gasoline at a rate greater than 11,037,600 gallons per year.
- c. Pursuant to 40 CFR 60 Subpart XX, 502(e)-(j), the owner or operator of the facility shall verify the vapor tightness of the tanker truck during the gasoline loading in the tank trucks.

Compliance Demonstration:

See the monitoring and recordkeeping requirements.

2. Emission Limitations:

- a. Pursuant to 40 CFR 60.502(a), each affected facility shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced during product loading.
- b. Pursuant to 40 CFR 60.502(b), emissions (VOC) to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded.

Compliance Demonstration:

- a. The permittee shall perform tests specified in 40 CFR 60:503 to determine compliance with the emission limit stated above in 2.a and 2.b.
- b. See the Specific Testing, Monitoring, and Recordkeeping requirements.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

3. Specific Testing Requirement:

Pursuant to 40 CFR 60.8 and 40 CFR 60.503, the owner or operator shall use reference methods and procedures in 40 CFR 60, Appendix A, to stack test VOC emissions from the Loading Rack, within 180 days from restarting the operation of the facility.

4. Specific Monitoring Requirements:

- a. The permittee shall calibrate, maintain and operate according to manufacturer's specification a monitoring device (differential pressure gauges or Manometers) to determine the pressure drop across the mechanical collector (vapor recovery tank) once a day during the operation of the Loading Rack.
- b. The permittee shall maintain a log for hours of operation of the Loading Rack and Process Heater (H1).
- c. The permittee shall maintain a daily log of the volume of gasoline loaded at the Loading Rack.
- d. The owner or operator of the Loading Rack shall maintain a log of each tanker truck loaded, pursuant to the items specified in 40 CFR 60.502(e)-(j).

5. Specific Recordkeeping Requirements:

The permittee shall maintain the following:

- a. A daily record and log of the gasoline gallons loaded at the Loading Rack.
- b. A daily record and log of tank trucks loaded at the Loading Rack with gasoline.

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

The vapor recovery system must be in operation while trucks are loading gasoline.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit: 04, Gasoline Tank Blow-down and Flare (EP-15)

Description:

One flare used to dispose of gases from the gasoline tanks (Tank# 6 and 7) and gases during normal operations, startups, shutdown and malfunctions.

Date of Construction: 1986

Control Device: Flare

Flare Pilot Capacity: 0.048 million standard cubic feet (mmscf) per hour

Applicable Regulation:

401 KAR 63:015 Flares

Non-Applicable Regulations:

401 KAR 60:005, Section 2 and 3(1)(n) – incorporates by reference 40 CFR Part 60.100 to 60.109 (Subpart J), Standards of Performance for Petroleum Refineries – does not apply to flare pursuant to 40 CFR 60.104(a)(1).

1. Operating Limitations:

None

2. Emission Limitations:

- a. Pursuant to 401 KAR 63:015, Section 3, the visible emissions from the flare shall not exceed twenty (20) percent opacity for more than three (3) minutes in any one (1) day.
- b. See **Section D.5, Source Emission Limitations** for hazardous air pollutant (HAP) and volatile organic compound (VOC) emission limitations.

Compliance Demonstration Method:

- a. See **3. Specific Testing Requirements** and **4. Specific Monitoring Requirements** below to demonstrate compliance with the opacity limitation.
- b. See **Section D.5, Source Emission Limitations, *Compliance Demonstration Method*** to demonstrate compliance with HAP and VOC emission limits.

3. Testing Requirements:

- a. The permittee shall use EPA Reference Method 22 to determine opacity for the Flare to demonstrate compliance with **Emission Limitations 2**. The testing shall be performed annually and the Division reserves the right to require additional testing. [401 KAR 52:020, Section 10 and 401 KAR 50:045]

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements:

- a. The permittee shall install and maintain a thermocouple or any other equivalent device to monitor the presence of a pilot flame in the flare. [401 KAR 52:020, Section 10]
- b. The permittee shall perform a visual inspection of the flare in operation at least once per month to insure the equipment appears to be operating properly and that the integrity of the system is not compromised by damage, malfunction or deterioration. Immediate repairs shall be made to correct obvious failures or deficiencies. [401 KAR 52:020, Section 10]

5. Specific Recordkeeping Requirements:

- a. The permittee shall keep records required by Specific Monitoring Requirements 4.a and 4.b. and supply such to the Division upon request
- b. The permittee shall keep records and supply such to the Division upon request of all equipment inspections and any maintenance, inspection, calibration and/or replacement of such equipment required by **4. Specific Monitoring Requirements.**
- c. See **Section F.2.**

6. Specific Reporting Requirements:

None

7. Specific Control Equipment Operating Conditions:

None

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit: 05, Petroleum Process Units

Processing Units	Capacity in million gallons per year
Diesel Processing	17.476
Kerosene Processing	2.759
Gasoline Processing	11.038
Residual Processing	14.717
Sulfur Treatment System	NA
Distillation Tower	39.79
 Catalytic Reforming Process (Proposed)	 NA

Description:

Petroleum Crude is being brought by trucks and unloaded in the crude feed tanks for storage. From the storage tanks crude is pumped to the heaters to raise to the proper temperature before going to the crude distillation tower. In the distillation tower different products are drawn according to the true boiling point (TBP). The drawn products are further treated in their respective towers to make salable products. Refining of petroleum crude is done under closed positive pressure at all the distillation columns. There are no emissions from the process vessels except fugitive emissions from the fittings, flanges, valves and from pump and compressor seals. All the safety relief-valve vents on the pressure vessels are connected to the flare system.

Date of Construction: 1985

Control Device: None

Applicable Regulations:

401 KAR 59:105 New Process Gas Streams. The provisions of this administrative regulation shall apply to each affected facility that means any gas stream, emitted from any process including by-product coke plants except process upset gas, which commenced on or after June 6, 1979. This regulation applies to all petroleum crude processing units.

401 KAR 63:020 Potentially Hazardous Matter or Toxic Substances. The provisions of this administrative regulation are applicable to each facility that emits or may emit potentially hazardous matter or toxic substances provided such emissions are not elsewhere subject to the provisions of the administrative regulations of the Division for Air Quality.

Non-Applicable Regulations:

40 CFR 60.100-109 Subpart J: Standard of Performance for Petroleum Refineries. The provisions of this subpart are applicable to affected facilities in petroleum refineries: fluid catalytic cracking unit catalyst regenerators, fuel gas combustion devices, and all Claus sulfur recovery plants except Claus plants of 20 long tons per day (LTD) or less.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

401 KAR 59:046; Selected New Petroleum Refining Processes and Equipment. This source has elected to take emission limits to preclude the major source new source performance standards.

40 CFR 60 Subpart VV- Standards for Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60 Subpart GGG- Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries does not apply as the construction dates of equipment at the facility were before January 4, 1983.

1. Operating Limitations:

- a. Persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. [401 KAR 63:020]
- b. To preclude the applicability of 401 KAR 51:017, the following operating limits shall be:
 - (1) The crude oil total throughput rate shall not exceed 2,520 barrels per day and 36,792,000 gallons per year. Trans mixture input to the Atmospheric Distillation tower shall not exceed 9,198,000 gallons per year.
 - (2) The diesel throughput rate shall not exceed 8,738,000 gallons per year.
 - (3) The kerosene throughput rate shall not exceed 2,759,400 gallons per year.
 - (4) The gasoline throughput rate shall not exceed 13,245,000 gallons per year.
 - (5) The residual oil processing rate shall not exceed 14,716,800 gallons per year.

Compliance Demonstration:

See the monitoring and recordkeeping requirements.

2. Emission Limitations:

- a. Pursuant to 401 KAR 59:105, Section 3, Standard for Hydrogen Sulfide; no person shall cause, suffer, allow or permit the emission of hydrogen sulfide in a process gas stream to exceed ten (10) grains per 100 dscf (165 ppm by volume) at zero percent oxygen except that sources whose combined process gas stream emission rate totals less than two (2) tons per day of hydrogen sulfide shall either reduce such emissions by eighty-five (85) percent or control such emissions such that hydrogen sulfide in the gas stream emitted into the ambient air does not exceed ten (10) grains per 100 dscf (165 ppm by volume) at zero percent oxygen.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- b. Total VOC source-wide emissions from all valves, flanges, pump seals and compressor seals shall not exceed 26.70 tons per year, state only requirement from permit F-02-007.

Compliance Demonstration:

- a. For compliance with the hydrogen sulfide emission limit, refer to 401 KAR 59:105, Section 6, and **3. Testing Requirements**.
- b. Annual VOC emissions in a consecutive 12 months shall be determined by summing the monthly VOC emissions using the following equation:

$$\text{Annual VOC} = \sum_{i=1}^{12} \text{Monthly VOC emissions (tons)}$$

This equation shall include all controlled and uncontrolled VOC emission points. See the monitoring, and recordkeeping requirements.

3. Testing Requirements:

Within 180 day of restart of the facility, if there is the emission of hydrogen sulfide in a process gas stream, then Reference Method 11 shall be used for testing for hydrogen sulfide for compliance with the hydrogen sulfide emission limit. The sample shall be drawn from a point near the centroid of the gas line. The minimum sampling time shall be ten (10) minutes and the minimum sample volume shall be 0.01 dscm (0.35 dscf) for each sample. The arithmetic average of two (2) samples shall constitute one (1) run. Samples shall be taken at approximately one (1) hour intervals. [401 KAR 59:105, Section 6]

4. Specific Monitoring Requirements:

- a. The owner or operator of each vessel shall monitor and maintain records on the throughput of crude oil feedstock.
- b. The owner or operator of each vessel shall monitor and maintain records on the throughput of diesel distillate.
- c. The owner or operator of each vessel shall monitor and maintain records on the throughput of kerosene distillate.
- d. The owner or operator of each vessel shall monitor and maintain records on the throughput of gasoline distillate.
- e. The owner or operator of each source that is equipped with a closed vent system and control device shall monitor the parameters of the closed vent system and control device.
- f. The owner or operator shall conduct annual inspections of the vapor recovery system to check for visible, audible, or olfactory indications of leaks or connectors in heavy liquid service.

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

The permittee shall maintain the following:

- a. A daily record/log of the crude oil feedstock throughput.
- b. A daily record/log of the trans mixture feedstock throughput.
- c. A daily record/log of the diesel distillate throughput.
- d. A daily record/log of the kerosene distillate throughput.
- e. A daily record/log of the gasoline distillate throughput.

6. Specific Reporting Requirements :

- a. The owner or operator shall report the results of all performance tests in accordance with the General Provisions specified in 40 CFR 60 Subpart A. The owner or operator must notify the Division of the schedule for the initial performance tests at least 30 days before the initial performance tests. See Section G.5.
- b. The owner or operator of each vessel that is equipped with a closed vent system and control device shall submit for approval by the Division an operating plan containing information on:
 - i. Documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions.
 - ii. A description of the parameters or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter(s).
- c. The owner or operator shall submit to the Division within 6 months after the restart up date, a report containing the measurements required by 40 CFR 60.18(f) (1), (2), (3), (4), (5), and (6). Records shall be kept of all periods of operation during which the flare pilot flame is absent. Semiannual reports of all periods recorded in which the pilot flame was absent shall be furnished to the Division.

7. Specific Control Equipment Operating Conditions :

None

8. Specific Compliance Schedule :

None

SECTION B – EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emission Unit: 06, Haul Road. (EP-18)

Description:

A dirt and gravel road is used by tanker trucks to enter and exit the facility at the loading rack and crude oil storage tanks.

Date of Construction: 1986

Control Device: Wet suppression.

Applicable Regulations:

401 KAR 63:010; Fugitive emissions

1. Operating Limitations:

- a. Pursuant to 401 KAR 63:010 Section 3(1), No person shall cause, suffer, or allow any material to be handled, processed, transported, or stored, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne.
- b. Pursuant to 401 KAR 63:010 Section 3(2), No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

Compliance Demonstration:

See Section 7. Specific Control Equipment and Operating Conditions below.

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

None

5. Specific Recordkeeping Requirements:

None

6. Specific Reporting Requirements:

None

7. Specific Control Equipment and Operating Conditions :

Reasonable precautions pursuant to 1a, above, shall include:

- a. Use, where possible, water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
- b. Apply and maintain by using asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts.

SECTION C – INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
None Listed	

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Volatile Organic Compounds (VOC), Sulfur Dioxide (SO₂), Hydrogen Sulfide (H₂S) and Hazardous Pollutant (HAP) emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. To preclude the applicability of 401 KAR 51:017, the permittee shall not allow actual controlled VOC emissions to exceed 90.0 TPY.
4. **Source Emission Limitations:**
 - a. To preclude the applicability of 401 KAR 52:020, *Title V permits*, the total annual source-wide emissions shall not exceed the following limitations on a twelve (12) consecutive month basis:
 - (1) Volatile organic compound (VOC) emissions shall not equal or exceed 90 tons per twelve (12) consecutive month basis;
 - (2) Emissions of any single hazardous air pollutants (HAP) shall not exceed 9 tons per twelve (12) consecutive month basis; and
 - (3) Emissions of combined hazardous air pollutant (HAPs) shall not exceed 22.5 tons per twelve (12) consecutive month basis.
 - b. Pursuant to 401 KAR 63:020, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

Compliance Demonstration Method:

- a. Calculate annual source-wide emissions from all emission units specified in paragraph (2) below for each month of the previous 12-month period (i.e.: for the month of January, the compliance demonstration shall be completed in February and shall include all data from February of the previous year to the last day of January). The monthly compliance demonstration shall include, at a minimum, the following:
 - (1) The monthly and consecutive 12-month throughput of each fuel and/or product at each emission unit specified in paragraph (2) below.
 - (2) The monthly and consecutive 12-month VOC, individual HAP, and combined HAP emission rates from the entire source.

All emission calculations shall be based on standard USEPA methodology (i.e.: the most current TANKS program for tanks, AP-42 emissions factors for material loading, current USEPA Protocol for Equipment Leak Estimates, e.g., EPA 453/R-95-017, appropriately summing the product of the weight percent of each HAP in the organic material emissions for each organic material emissions attributed to the storage and handling of that liquid, etc.). The facility may use the maximum potential emissions from an

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

individual unit each month, instead of calculating actual emissions from that unit.

- b. Refer to Section F.9 for submittal of compliance certification.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [401 KAR 52:030 Section 3(1)(f)1a and Section 1a-7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
9. Pursuant to 401 KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS:

- g. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

**Division for Air Quality
London Regional Office
875 S. Main St.
London, KY 40741**

**Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601**

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - (1) The size and location of both the original and replacement units; and
 - (2) Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - (1) Re-install the original unit and remove or dismantle the replacement unit; or
 - (2) Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

- a. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a-2 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-5 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 6 and 7 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].

SECTION G - GENERAL PROVISIONS

- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].
- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-11 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-12-b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-8 of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

SECTION G - GENERAL PROVISIONS

- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:030, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (1) Applicable requirements that are included and specifically identified in this permit; and
 - (2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].
- b. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

3. Permit Revisions

- a. Minor permit revision procedures specified in 401 KAR 52:030 Section 14(3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

SECTION G - GENERAL PROVISIONS

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
 - (1) The date when construction commenced.
 - (2) The date of start-up of the affected facilities listed in this permit.
 - (3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:030, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the draft permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit.
- f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

SECTION G - GENERAL PROVISIONS

5. Testing Requirements

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

7. Emergency Provisions

- a. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - (1) An emergency occurred and the permittee can identify the cause of the emergency;
 - (2) The permitted facility was at the time being properly operated;
 - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - (4) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when

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emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

(5) Notification of the Division does not relieve the source of any other local, state or federal notification requirements.

b. Emergency conditions listed in General Provision G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].

c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:030 Section 23(2)].

8. Ozone depleting substances

a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

(1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.

(2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.

(3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.

(4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.

(5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.

(6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

9. Risk Management Provisions

a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

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RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION H - ALTERNATE OPERATING SCENARIOS

None